

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Rodney Moucell Jones, #300336,)	C/A No. 0:07-571-JFA-BM
)	
Plaintiff,)	
v.)	ORDER
)	
Michael Hunt, Individually; and the County)	
of Aiken, in their individual and official)	
capacities,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation.¹ The *pro se* plaintiff, Rodney Moucell Jones, is an inmate at the Aiken County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983 seeking injunctive relief and damages. He alleges that he was arrested by the defendants on voided contempt of court orders and that his legal materials were unlawfully contested.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

In a detailed Report and Recommendation, the Magistrate Judge suggests that the complaint is subject to dismissal because the plaintiff fails to allege any facts to state a constitutional violation concerning his alleged arrest or the alleged confiscation of his legal materials. Because the Magistrate Judge fairly and accurately summarizes the facts and standards of law, such will not be repeated herein.

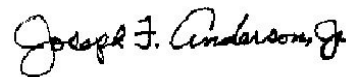
The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 26, 2007. However, he has not done so within the time limits prescribed by the federal rules.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court agrees with the Magistrate Judge's recommendation and incorporates the Report herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

May 3, 2007
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge